



# **WATER PROTECTION PROGRAM WATER POLLUTION CONTROL BRANCH**

## **2014 ANNUAL COMPLIANCE & ENFORCEMENT REPORT**

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## WATER POLLUTION CONTROL PROGRAM 2014 ANNUAL ENFORCEMENT SUMMARY

<b><u>ACTIVE ENFORCEMENT CASES AS OF JANUARY 1, 2014</u></b>		<b>592</b>
NEW ENFORCEMENT REQUESTS IN 2014	88	
FEE ONLY NEW ENFORCEMENT REQUESTS IN 2014	12	
<b>TOTAL NEW ENFORCEMENT REQUESTS IN 2014</b>		<b>+100</b>
CASES RESOLVED BY ADMINISTRATIVE ACTIONS	-30	
CASES RESOLVED BY LITIGATION	-25	
<b>TOTAL ENFORCEMENT CASES RESOLVED BY ACTIONS</b>	<b>-55</b>	
ENFORCEMENT CASES NOT INITIATED & RETURNED	-14	
<b>TOTAL CASES RETURNED TO COMPLIANCE</b>		<b>-69</b>
<b><u>TOTAL ENFORCEMENT CASES AS OF DECEMBER 31, 2014</u></b>		<b><u>623</u></b>

### REQUESTS RECEIVED PENDING

Cases prior to 2014 carried into 2015 pending action	38
Cases received in 2014 pending action	44
<b><u>Total request pending carried into 2015</u></b>	<b><u>82</u></b>

### ADMINISTRATIVE CASE SUMMARY

Settlement Agreements in 2014	2
Abatement Orders and in 2014	4
Abatement Orders on Consent in 2014	25
Compliance Monitoring Schedules in 2014	11
Permit Denials	2
Pending appeals in 2014	0
<b><u>Total administrative actions taken in 2014, including cases prior to 2014</u></b>	<b><u>44</u></b>

### LITIGATION SUMMARY

Cases referred to the AGO in 2014	15
Fee Only Cases referred to the AGO in 2014	20
<b>Total Cases referred to the AGO in 2014</b>	<b>35</b>
Active Cases referred to the AGO prior to 2014	155
<b><u>Total Active Cases referred to the AGO</u></b>	<b><u>225</u></b>
Cases referred prior to 2014 pending action carried into 2015	0
Cases referred in 2014 pending action	5
<b><u>Total Cases referred to the AGO pending action</u></b>	<b><u>5</u></b>

Petitions filed in 2014	8
AGO Demand letters sent in 2014	3
AGO Settlement Agreements in 2014	0
Consent Judgments entered in 2014	8
Federal Consent Decrees in 2014	0
Default Judgments entered in 2014	1
Court Orders in 2014	7
Hearings/Trials in 2014	1
Tolling Agreements in 2014	1
<b><u>Total Litigation actions taken in 2014</u></b>	<b>29</b>

***\*Note-This information reflects only the most recent AGO action taken, as some enforcement cases have more than 1 AGO action in 2014 (Referral, AGO letter, Petition, Consent Judgment, etc.***

## **CRIMINAL INVESTIGATIONS, IMPRISONMENT FINES, ASSESSMENTS & PROBATION**

### **Earl Patrick Kearney**

In April 2014, Earl Patrick Kearney, 60, of Branson, was charged in a 12-count indictment returned by a federal grand jury in Springfield, Mo.

Kearney was employed by the Overlook subdivision and the Morningside development in Stone County, Mo., to operate their wastewater treatment facilities from May 2010 to August 2011. Kearney was responsible for conducting wastewater sampling at the facilities and submitting those results to the Missouri Department of Natural Resources.

The indictment alleges that Kearney altered the reports he submitted to the state so that it appeared the Overlook subdivision and the Morningside development were in compliance with their wastewater discharge permits.

Kearney was charged with five counts of making false statements in regard to the Overlook subdivision reports and seven counts of making false statements in regard to the Morningside development reports.

On December 2, 2014, Kearney pleaded guilty to 2 counts of “negligent discharge in violation of permit”. On July 6, 2015, Kearney was sentenced to 5 years of probation and ordered to pay a total fine of \$30,000.00. As a condition of probation, Kearney is ordered not to work in or operate a wastewater treatment facility requiring a National pollution Discharge Elimination System permit.

## **SENECA COMPANIES, INC.**

February 28, 2014, Seneca Companies, Inc. of Des Moines Iowa, pleaded guilty before U.S. Magistrate Judge David P. Rush to the negligent introduction of a pollutant or hazardous substance into a publicly owned sewer system without any permit. Seneca agreed to repair a gasoline line at Casey's General Store, 8084 E., 7th Street, Duenweg Missouri, in December 2010. This gasoline line failure had allowed gasoline to accumulate into a containment sump on Casey's property. Seneca employees were responsible for safely repairing Casey's gasoline line failure and safely disposing of any hazardous material in conformity with state and federal regulations. On Dec. 16, 2010 Seneca employees pumped gasoline-contaminated water out of Casey's containment sump and into the sewer system, negligently releasing a hazardous substance or pollutant (water tainted with gasoline), which was an illegal discharge. Missouri Department of Natural Resources estimates that between 7,500 and 10,000 gallons were released into the city system.

Seneca must pay a fine of \$75,000 as well as restitution during a term of five years of probation. Seneca must conduct annual training for all employees engaged in the repair of underground gasoline storage tanks on the proper and lawful disposal and removal of pollutants or hazardous materials from underground gasoline storage tanks. The company must also publish a public apology consisting of an advertisement in the Joplin Globe for seven consecutive days. Public dissemination of Seneca's negligence, says the plea agreement, will provide a deterrent effect for other potential violators of the Clean Water Act.



**Penalties, Damages, and Other Amounts  
Collected Through Enforcement Efforts  
2014**

Facility/Site Name	Facility ID	County	Penalty Assessed	Penalty Paid	Penalty Suspended	Damages	Cost Recovery	Natural Resource Damages	Delinquent Permit Fees	Date	Case Type
Owensville WWTF	MO0041068	Gasconade	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2/25/2014	A
Purdy WWTF	MO0043222	Barry	\$16,000.00	\$0.00	\$16,000.00	\$0.00	\$0.00	\$0.00	\$0.00	5/23/2014	A
Payne Enterprises Westgate MHP	MO0045519	Audrain	\$0.00*	\$10,000.00	\$0.00*	\$0.00	\$0.00	\$0.00	0.00	6/15/2014	L
Little City MHP	MO0057363	Boone									
Tower Mobile Home Park	MO0085936	Callaway									
Senath WWTF	MO0048666	Dunklin	\$8,000.00	\$0.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00		A
Brookview Duplexes - Grand Hill	MO0052744	Cass	\$12,000.00	\$1,000.00	\$7,000.00	\$0.00	\$2,753.05	\$0.00	\$0.00	11/20/2014	A
Wheelhouse Marina/Villas	MO0093629	Camden	\$0.00*	\$400.00	\$0.00*	\$0.00	\$0.00	\$0.00	\$0.00	2/6/2014	L
Green Acres Subdivision Michael Kuster	MO0101541	Osage	\$50,000.00	\$0.00	\$35,000.00	\$0.00	\$0.00	\$0.00	\$350.00	7/16/2014	L
Mark Kuster			\$50,000.00	\$0.00	\$40,000.00	\$0.00	\$0.00	\$0.00		2/3/2014	L
Mark Twain Landing	MO0103675	Ralls	\$11,859.72	\$11,859.72	\$0.00	\$0.00	\$2,140.28	\$0.00	\$0.00	9/10/2014	L
Chalet Park WWTP	MO0106887	Boone	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	10/1/2014	A
Rocky Top MHP WWTF	MO0108383	Stone	\$0.00*	\$4,000.00	\$0.00*	\$0.00	\$0.00	\$0.00	\$0.00	11/17/2014	L
BCRSD Hartsburg Village	MO0108995	Boone	\$6,000.00	\$2,000.00	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	5/2/2014	A
Double M Mobile Coach Ran	MO0111139	Benton	\$0.00*	\$1,000.00	\$0.00*	\$0.00	\$0.00	\$0.00	\$0.00	5/6/2014	L



Specialty Granules	MO0112950	Iron	\$12,000.00	\$12,000.00	\$0.00	\$0.00	\$2,377.88	\$0.00	\$0.00	2/27/2014	A
Tyson Foods - Sedalia	MO0115061	Pettis	\$2,000.00	\$2,000.00	\$0.00	\$62.41	\$3,305.30	\$0.00	\$0.00	1/21/2014	A
Columbia Freightliner Sales, Inc. WWTF	MO0116955	Callaway	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	10/24/2014	A
Peacock Properties LLC	MO0124532	Boone	\$9,863.00	\$4,500.00	\$5,363.00	\$0.00	\$0.00	\$0.00	\$0.00	10/14/2014	L
Shady Lane	MO0125717	Dallas	\$0.00*	\$500.00	\$0.00*	\$0.00	\$0.00	\$0.00	\$0.00	10/1/2014	L
The Upper Deck	MO0126845	Boone	\$10,000.00	\$4,500.00	\$5,500.00	\$0.00	\$0.00	\$0.00	\$0.00	10/28/2014	L
Black Oak Water and Sewer	MO0128333	Stone	\$20,000.00	\$6,000.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	12/10/2014	L
Nelson Leonard Martinsville Prop. WWTF	11797	Cooper	\$45,500.00	\$20,000.00	\$25,500.00	\$0.00	\$0.00	\$0.00	\$0.00	10/10/2014	L
TNT General Contracting, Inc.	MO0136514	Clark	\$125,000.00	\$75,000.00	\$50,000.00	\$0.00	\$12,462.44	\$0.00	\$0.00	10/31/2014	A
First Class Swine	MOG010447	Barton	\$0.00*	\$1,000.00	\$0.00*	\$0.00	\$1,436.94	\$0.00	\$0.00	7/10/2014	A
Kueker SEW	MOG010466	Saline	\$7,600.00	\$3,800.00	\$3,800.00	\$4.92	\$3,127.77	\$0.00	\$0.00	7/23/2014	L
Shatto Milk Company	MOG822141	Clinton	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$1,519.29	\$0.00	\$0.00	9/3/2014	A
Loganbill Enterprises Inc.	MOG920001	Moniteau	\$24,000.00	\$8,000.00	\$16,000.00	\$0.00	\$3,000.00	\$0.00	\$0.00	12/27/2014	L
Pork Masters Inc.	MOGS10096	Callaway	\$12,000.00	\$12,000.00	\$0.00	\$0.00	\$2,439.85	\$0.00	\$0.00	11/24/2014	A
MO Dept of Transportation	MOR100007	Cole	\$40,000.00	\$40,000.00	\$0.00	\$0.00	\$5,156.57	\$0.00	\$0.00	8/4/2014	A
J and P Iron and Metal	MOR80H138	Ralls	\$4,000.00	\$1,500.00	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	5/22/2014	A



Holman Apartments Subdivision	<i>MORA02138</i>	Macon	\$10,000.00	\$4,000.00	\$6,000.00	\$0.00	\$394.96	\$0.00	\$0.00	9/12/2014	A
Black Oak Organics Compost	<i>12011</i>	Lawrence	\$13,700.00	\$13,700.00	\$0.00	\$0.00	\$3,800.00	\$0.00	\$0.00	12/16/2014	L
CPJM, LLC	<i>43160</i>	Ray	\$4,000.00	\$4,000.00	\$0.00	\$0.00	\$1,874.27	\$0.00	\$0.00	4/8/2014	A
Crystal Extrusions	<i>43060</i>	Franklin	\$4,000.00	\$4,000.00	\$0.00	\$51.02	\$2,309.39	\$0.00	\$0.00	7/14/2014	A
Fulton Sanitary Landfill	<i>10117</i>	Callaway	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$4,393.62	\$0.00	\$0.00	1/21/2014	A
Greenview Shopping Center	<i>39536</i>	Camden	\$0.00*	\$7,946.40	\$0.00*	\$0.00	\$0.00	\$0.00	\$0.00	10/6/2014	L
O'Fallon Arcade Plaza Shopping Center	<i>41937</i>	St. Charles	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$796.93	\$0.00	\$0.00	4/2/2014	A
Turkey Hill LLC	<i>41650</i>	Audrain	\$4,000.00	\$4,000.00	\$0.00	\$0.00	\$1,545.85	\$0.00	\$0.00	5/6/2014	A
RD Sewer	<i>MO0096881</i>	Stoddard	\$0.00*	\$0.00	\$0.00*	\$0.00	\$0.00	\$0.00	\$1,820.00	9/5/2014	L
Wiley Apartments	<i>MO0106011</i>	Boone	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$190.00	10/20/2014	A
Quail Run MHP	<i>MO0126381</i>	Lincoln	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11,440.00	1/20/2014	A
Oak Grove Mobile Home Park	<i>MO0090794</i>	Franklin	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$126.00	3/21/2014	A
Travis Noack Property	<i>39422</i>	Jefferson	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2/21/2014	L
Big Spring RV Park	<i>43106</i>	Carter	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	2/27/2014	A
Moberly LDS Church	<i>MO0106551</i>	Randolph	\$8,000.00	\$0.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	3/12/2014	A
Green Hills MHP	<i>MO0086037</i>	Boone	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4/16/2014	A
Camping Paradise	<i>38692</i>	Camden	\$17,850.00	\$0.00	\$17,850.00	\$0.00	\$0.00	\$0.00	\$0.00	9/11/2014	L
Woodcock MHP	<i>MO0114367</i>	Franklin	\$4,000.00	\$0.00	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	10/3/2014	A
Callicott Place MHP	<i>MO0137804</i>	Ralls	\$3,000.00	\$0.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	10/14/2014	L

Whispering Lanes MHP	MO0091812	Greene	\$41,820.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/10/2014	L
Yoder Farm	42521	Wright	\$8,000.00	\$0.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	12/10/2014	A
Village Inn Trailer Court	MO0123765	Washington	\$13,275.00	\$0.00	\$10,275.00	\$0.00	\$0.00	\$0.00	\$0.00	12/11/2014	L
Bent Brook MHP	38172	Miller	\$2,000.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/17/2014	L

Number of Cases with Monies Collected: 40

	CIVIL PENALTY	DAMAGES	NATURAL RESOURCE DAMAGES	COST RECOVERY	DELINQUENT PERMIT FEES & LATE PENALTIES
Administrative:	\$ <u>202,000</u>	\$ <u>113.43</u>		\$ <u>42,766.34</u>	\$ <u>11,756.00</u>
Litigation:	\$ <u>96,406.12</u>	\$ <u>4.92</u>	\$ <u>0.00</u>	\$ <u>12,068.05</u>	\$ <u>2,170.00</u>
<u>Total:</u>	\$ <u>298,406.12</u>	\$ <u>118.35</u>	\$ <u>0.00</u>	\$ <u>54,834.39</u>	\$ <u>13,926.00</u>

**Total Monies Collected for Calendar Year 2014 = \$367,284.86**